

House Bill 314
February 17, 2009
Presented by Ken McDonald
House Fish, Wildlife and Parks Committee

EXHIBIT 14
DATE 2-17-09
HB 314

Mr. Chairman and committee members, for the record I am Ken McDonald, Wildlife Division Administrator of Montana Department of Fish, Wildlife & Parks (FWP).

HB 314 seeks to address the harboring issue where large numbers of big game animals concentrate on private property. If access to those big game animals for harvest purposes is restricted, it can create hardships for neighboring landowners, potentially increases the risk of disease transmission, and certainly reduces FWP's ability to effectively manage big game populations at objective levels both in terms of numbers and distribution. The issue of harboring underscores the complex nature of the problem where private property rights, the needs of a community and the value of public trust intersect with one another.

Harboring is real, and that is underscored by the example that 22% of Montana's elk hunting districts are "over objective" as defined in Montana's Elk Management Plan. Harboring occurs for a variety of reasons – some people like having elk on their property that they hunt just themselves. Some like having elk on their property that they then make available to paying clients. And some people just like having elk on their place as they simply enjoy seeing these animals. The harboring issue represents a conflict in values and as such, is one of the more complex issues confronting us on the Montana landscape – one that is much broader than just a wildlife management issue.

FWP's participation in any harboring discussion is first and foremost rooted in respect for private property rights and the pursuit of effective big game population management that includes the public, the private landowner and the long-term sustainability of the resource. The operating definition of effective management includes considerations of big game distribution relative to available habitats and the opportunities this wildlife resource represents to landowners, hunters, outfitters, residents, and nonresidents, as well as local and statewide businesses and economies. Suffice it to say, big game species are highly valued and very important to Montana and their management must be comprehensive.

Adoption of liberal hunting regulations, use of game damage hunts and season extensions, and efforts targeting additional access to private lands through Block Management and license incentives have been employed with some degree of success. However, consistently effective management responses to harboring have been limited at best in a number of locations despite focused efforts by FWP. In areas where access is limited or nonexistent, the "risk" to big game is patchy and they will take advantage of "refuge-like" situations. As stated by FWP elk researcher Ken Hamlin, "if you want to reduce elk numbers and affect their distribution, you have to make the risk of staying in one place unpredictable to elk."

Cooperative research results from southwest Montana clearly illustrates how harboring can impact elk distribution over time. See maps at end of the testimony I have passed out –

comparing elk distribution 30 years ago vs. current. Data reveals earlier arrivals to private land winter ranges starting in September, more elk on private land during elk calving periods and less elk presence on available public habitats, even as total elk numbers have increased. Such trends speak to an erosion of management effectiveness and lost elk and elk hunting heritage on traditional public land habitats. Trickle down impacts may include increased game damage to private lands, lost hunter interest and participation, cyclically gaining/losing the state's livestock disease-free status and even lost community engagement in hunting traditions.

Because harboring can have impacts well beyond the individual land where the elk are harbored, harboring is not just a wildlife management issue, but rather a community and a state issue. This is demonstrated by the fact that it can pit a neighbor who harbors against a neighbor who suffers from game damage as a result, or that the entire state can lose its brucellosis class-free status with a positive test from just one location at the other end of the state.

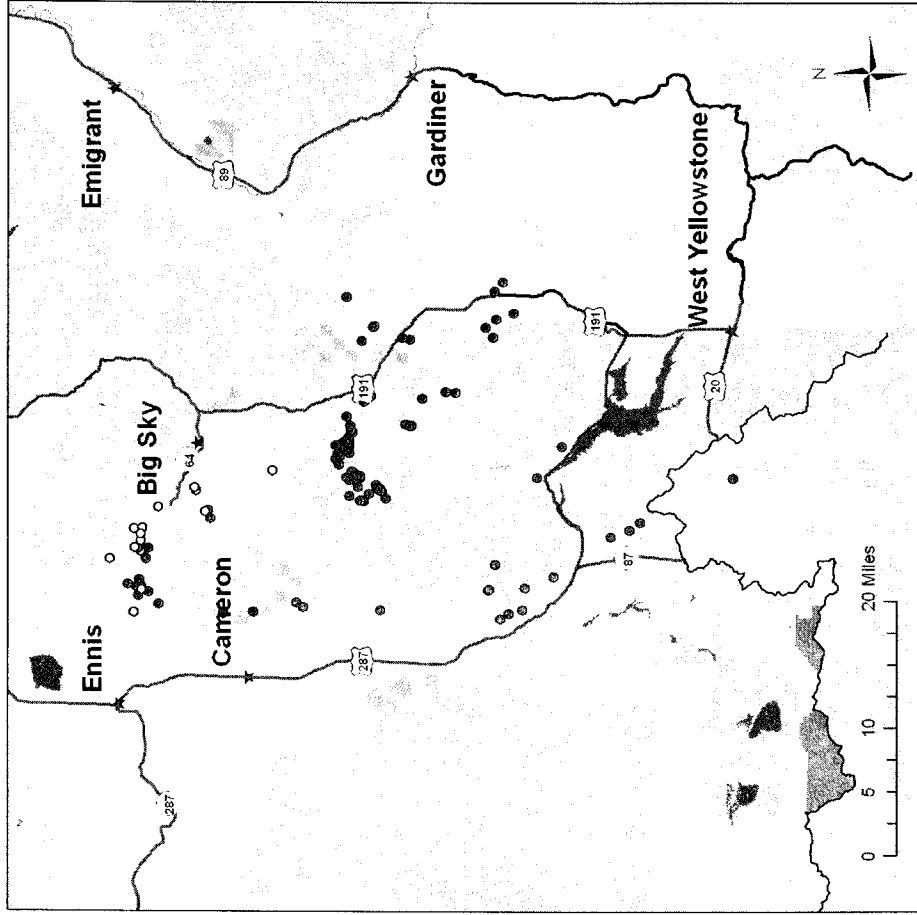
At a foundational level, harboring can be viewed as a community issue that is best worked out by neighbors, landowner working groups, and local communities. FWP has been participating in such efforts with some recent successes – most notably in the Madison, where a group of landowners have come together and agreed to allow some hunter access throughout the landscape, as administered by a hunt coordinator, in order to make the risks to elk unpredictable. We see this type of “bottom up” approach as the most effective. FWP is currently working with the Dept. of Livestock and groups of livestock producers to develop and implement risk mitigation strategies to reduce the risk of disease transmission between livestock and wildlife. A key component of risk mitigation being worked on is prevention of large concentrations of elk on private lands where they are in proximity to cattle.

As a statewide issue, it is important that the issue is first recognized as such. What is needed is a broader and more overt recognition and statement that Montana recognizes and defines harboring as a very real obstruction to effective and comprehensive big game management. Such recognition (perhaps in the form of a resolution by the Montana Legislature?) could potentially influence old, ongoing and any new discussions.

Formal recognition of harboring as a community and statewide issue would at least communicate that message from Montana to Montanans and others. Additionally, it would identify, if not justify, difficult management prescriptions like antlerless-only seasons as one response to harboring.

FWP supports the clear identification of harboring as a real and significant problem for Montana that needs to be a priority to help achieve management progress. Providing direction to affected interests and getting affected interests together to develop workable, community-based solutions are necessary. FWP is committed to continuing to working towards this objective. FWP further recognizes that in this pursuit, private property rights must be recognized, respected and incorporated into any sustainable solution.

**Madison Valley - 27 cow elk VHF collars (1976-1986)
MAY 16-31 LOCATIONS**



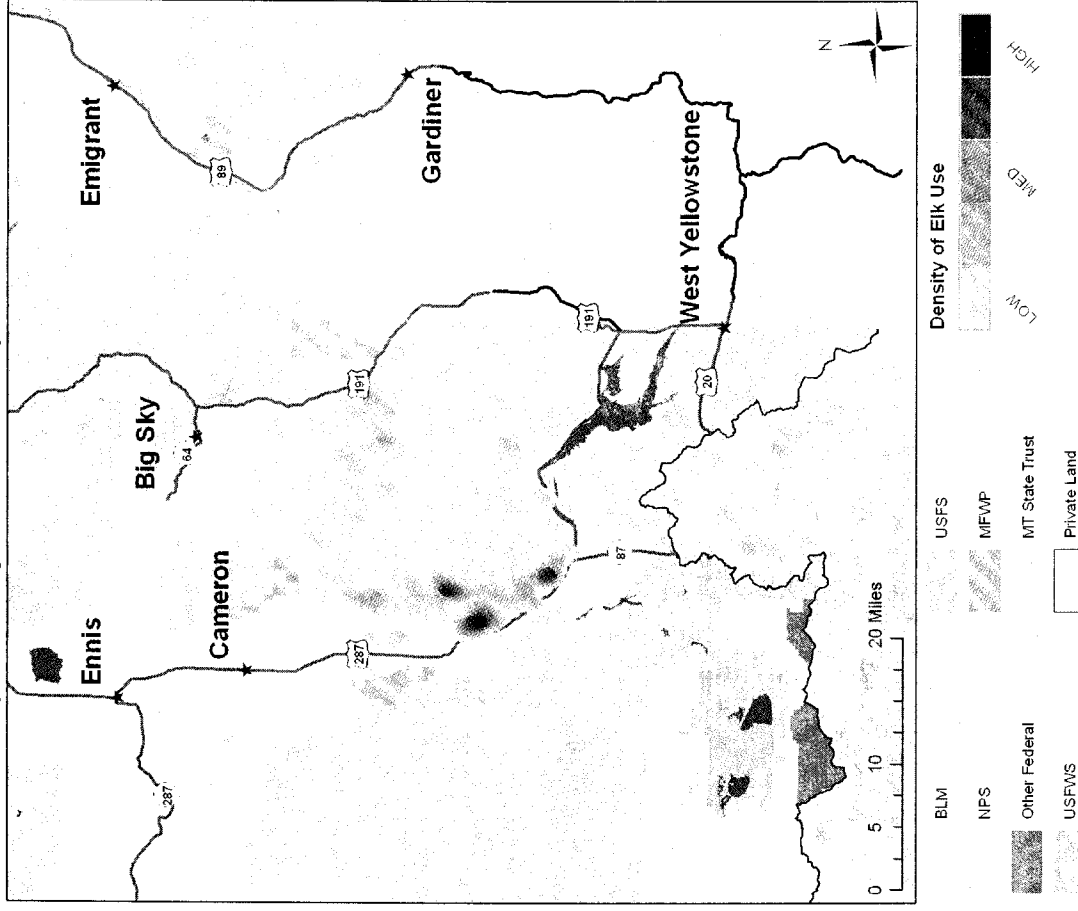
POPULATION

- Bear Creek
- Jumping Horse
- Sun Ranch

Land Ownership

- BLM
- NPS
- Other Federal
- USFWS
- USFS
- MFWP
- MT State Trust
- Private Land

**Madison Valley - 43 cow elk GPS collars (2005-06)
KDE (7am-12pm locations) - MAY 16-31**



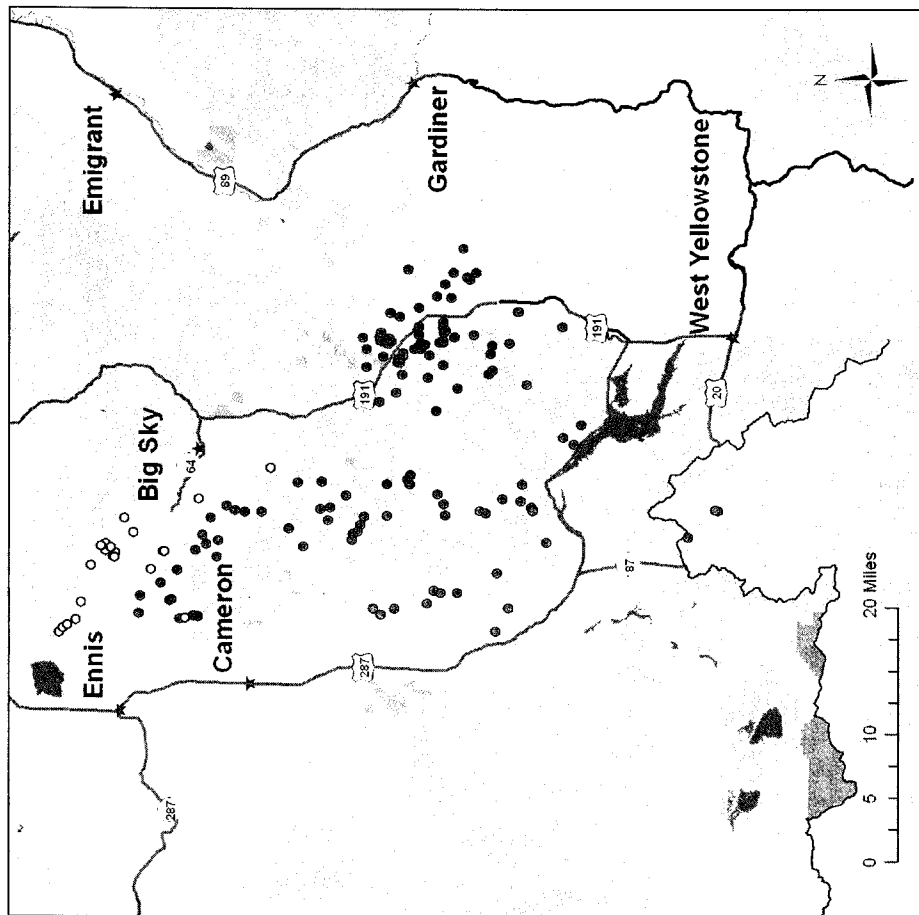
Density of Elk Use

- Low
- MED
- HIGH

Land Ownership

- BLM
- NPS
- Other Federal
- USFWS
- USFS
- MFWP
- MT State Trust
- Private Land

**Madison Valley - 27 cow elk VHF collars (1976-1986)
NOVEMBER LOCATIONS**



**Madison Valley - 43 cow elk GPS collars (2005-06)
KDE (7am-12pm locations) - NOVEMBER**

